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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA :  
 : Hon. Peter G. Sheridan  
 :  
 v. : Crim. Case No. 07-492-04  
 :  
 JUSTIN KIM a/k/a "YONG KON KIM" :  
 :

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**MOTION FOR CONTINUANCE OF SURRENDER DATE OF SENTENCE**

TODD D. GREENBERG affirms under the penalty of perjury.

Affiant is an Attorney at Law duly admitted to practice in the Eastern and Southern District of New York and represented the Defendant Justin Kim in this matter.

- 1) The Defendant Justin Kim is seeking a continuance of his surrender date of sentence which has been scheduled for January 5, 2009 at 9:00 a.m.
- 2) On December 9, 2008 the Defendant Justin Kim was sentenced by this Honorable Court to five months incarceration, supervised release for a term of two years, with a special condition that Defendant Justin Kim is to be confined to his residence for a period of seven months.
- 3) The Defendant Justin Kim is to surrender at an institution designated by the United States Bureau of Prisons on January 5, 2009 at 9:00 a.m.
- 4) However, as of this date, there has been no designation of a prison by the Bureau of Prisons.
- 5) I have personally spoken to a representative of the United States Marshall's Office on December 30, 2008 who advised that there is no designation as of that date. On today's date, I spoke

to Ms. Mertice Evans, Pre-Trial Service Officer, who advised that she checked with United States Marshall and there is yet to be a designation.

6) Therefore, it is respectfully requested that the Defendant Justin Kim be granted an additional thirty days from January 5, 2009 so that the Bureau of Prisons may make such designation.

7) As soon as the designation is made, the Defendant Justin Kim will commence his sentence.

**WHEREFORE**, no previous application for the relief sought herein has been made.

Dated: Forest Hills, New York  
December 31, 2008

S/Todd D. Greenberg  
ADDABBO & GREENBERG  
Attorneys Defendant  
118-21 Queens Blvd. Suite 306  
Forest Hills, New York 11375  
Tel. No. 718-268-0400

TO: AUSA Bradley A. Harsch  
U.S. Attorney's Office  
District of New Jersey  
970 Broad Street – Suite 700  
Newark, NJ 07102

United States Pretrial Service Office  
Attention: Mertice Evans

*Denied. Incarceration  
shall be 5 months.*

SO ORDERED: Peter H. Shumlin  
DATED: 1/6/09